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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. 3:25-cv-1780-WHA

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONEL
MANAGEMENT, *et al.*,

Defendants.

**DECLARATION OF MARY PLETCHER
RICE**

1 I, Mary Pletcher Rice, declare, pursuant to 28 U.S.C. § 1746, as follows:

- 2
- 3 1. I am the Acting Principal Deputy Assistant Secretary for Administration within Departmental
- 4 Administration at the United States Department of Agriculture (“USDA” or “Department”)
- 5 headquartered in Washington, D.C. I make this Declaration based on my own personal
- 6 knowledge, on information contained in the records of USDA, or on information provided to
- 7 me by USDA employees. I have served in this position since January 31, 2025, and I have
- 8 been employed at USDA since 2018. I submitted a previous declaration in this matter on
- 9 March 20, 2025, and rely on and incorporate my prior declaration testimony in making this
- 10 declaration.
- 11
- 12 2. In my role at USDA, I currently oversee the Department’s Office of Human Resources
- 13 Management and I have purview over USDA subagencies’ Chief Operating Officers and
- 14 Human Resources Offices.
- 15
- 16 3. USDA reinstated all 5,761 Affected Probationary Employees by restoring them to the status
- 17 they were in prior to their terminations and provided each with back pay from the date of
- 18 their respective termination. As part of a phased plan for return-to-duty, upon returning to
- 19 pay status, the Affected Probationary Employees were initially placed on paid administrative
- 20 leave.
- 21
- 22 4. A group of 1,070 seasonal Forest Service Affected Probationary Employees who were not in
- 23 pay status at the time of their terminations (due to the off-season) have been reinstated to
- 24 their prior unpaid status. These employees will return to pay status on a rolling basis during
- 25 the months of April and May. Additionally, there are six Affected Probationary Employees
- 26 in the Foreign Agricultural Service who were administratively furloughed prior to their
- 27 terminations, and who have been reinstated to their prior administrative furlough status.
- 28

- 1 5. On Friday, March 14, 2025, USDA began the process of notifying all Affected Probationary
2 Employees that they have been reinstated. All Affected Probationary Employees have been
3 notified of their reinstatement: (1) via an initial notification from USDA to each employee,
4 pursuant to a March 5, 2025 Stay Order issued by the Merit Systems Protection Board
5 (“MSPB”); (2) via a separate, subsequent notification from USDA to each employee,
6 pursuant to the March 13, 2025 preliminary injunction issued in this case of *AFGE*, et al., v.
7 *OPM*, et al., with said notification referring employees to a USDA press release website for
8 updates; and (3) via the aforementioned USDA press release titled “USDA Status Update on
9 Probationary Employees” that was published on March 11, 2025, and subsequently updated
10 on March 19, 2025. The update can be found at [https://www.usda.gov/about-](https://www.usda.gov/about-usda/news/press-releases/2025/03/11/usda-status-update-probationary-employees)
11 [usda/news/press-releases/2025/03/11/usda-status-update-probationary-employees](https://www.usda.gov/about-usda/news/press-releases/2025/03/11/usda-status-update-probationary-employees).
12
13
14 6. Now that USDA has reinstated and notified the Affected Probationary Employees to the pay
15 status they were in prior to their terminations, the Affected Probationary Employees who are
16 in pay status are currently on administrative leave. USDA placed the Affected Probationary
17 Employees on administrative leave temporarily, as an initial step as part of the phased plan to
18 return the employees to work.
19
20 7. Given the large number of probationary employees being reinstated, USDA is simultaneously
21 developing and implementing enhanced procedures and tracking the Department’s progress
22 in returning the probationary employees to full duty status. As the system is being
23 developed, some of the data is being input manually by Human Resources personnel and
24 reflecting a more comprehensive and detailed perspective of this multi-faceted undertaking.
25 The totals USDA is providing in this compliance report reflect the changes in the dynamic
26 data set.
27
28

- 1 8. USDA administered an electronic survey and is in the process of making verbal contacts
2 through which the 5,761 Affected Probationary Employees can indicate whether they elect to
3 return to full duty status or whether they decline to return to full duty status. As of March 28,
4 2025, approximately 2,381 Affected Probationary Employees responded to either the
5 electronic survey or verbal contacts and approximately 182 indicated they decline to return to
6 full duty status. Additionally, 435 employees had already opted in to the Deferred
7 Resignation Program.
- 9 9. USDA's Human Resources personnel continue to try to reach all affected employees by
10 email and telephone to confirm their elections regarding the return to full duty status and, for
11 those employees who elect to return to full duty status, to continue to implement USDA's
12 phased plan to return the Affected Probationary Employees to full duty status. The phased
13 plan considers an employee's need to access, and availability of, information technology and
14 other equipment; Lincpasses (badges); systems credentials; workstation readiness; and safety
15 and security of facilities. USDA is continuously receiving updates and information from the
16 people in the group of 5,714 Affected Probationary Employees, via the survey and other
17 modes of communication, regarding the offer to return to full duty status.
18
19

20
21 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
22 and correct.

23 Dated: March 31, 2025

24 **MARY RICE** Digitally signed by MARY
25 RICE
Date: 2025.03.31 11:09:40
-04'00'

26 MARY PLETCHER RICE
27
28